

Mr. Pavlo KLIMKIN,
Minister of Foreign Affairs of Ukraine

Mr. Yurii KLYMENKO,
Permanent Representative of Ukraine
to the UN Office and other international
organisations in Geneva

8 May 2017

Dear Mr. Klimkin,
Dear Mr. Klymenko,

We would like to acknowledge the importance of the upcoming selection of the next mandate for the Ukrainian Parliament Commissioner for Human Rights (UPCHR), and express our sincere appreciation for the excellent cooperation we had with the UPCHR.

The European Network of National Human Rights Institutions (ENNHRI) brings together 41 National Human Rights Institutions (NHRIs) across wider Europe. ENNHRI's goal is to support and strengthen NHRIs to promote and protect human rights across the European region.

NHRIs are a key element of a strong and effective national and global human rights system. Our mission is to support and strengthen NHRIs to promote and protect human rights across wider Europe, in line with the UN Principles relating to the Status of National Institutions (Paris Principles, adopted by United Nations General Assembly Resolution 48/134, 1993). We do this by supporting their development, helping their establishment and accreditation, engaging with regional mechanisms and intervening on legal and policy developments at a European level.

In October 2014, the body in charge of the UN accreditation of NHRIs (the Sub-Committee on Accreditation, later "SCA") recommended that the UPCHR be re-accredited with A-status, acknowledging its compliance with the Paris Principles.

However, the SCA stated that the current rules of the process of selection and appointment of the UPCHR may conflict with the requirements of the Paris Principles, as it could unreasonably exclude otherwise meritorious candidates, as per Article 6 of the "Law on Ukrainian Parliament Commissioner for Human Rights" establishing that proposals for candidates shall be made by the Chairman of the Parliament or by no less than one fourth of People's Deputies. It was noted that this process does not require, in particular, broad consultation and/or participation in the application, screening, selection and appointment process.

ENNHRI

Permanent Secretariat
Rue Royale 138, B-1000 Brussels, Belgium

T + 32 (0)2 212 3158 **M** + 32 (0)475 914 904 **E** ENNHRI@cntr.be

ENNHRI AISBL

Company No. 0541.593.956

Thus, the process of selection and appointment of the Commissioner for Human Rights is vulnerable to politicisation, and the election of the Commissioner risks to be made on the sole basis of political decisions, which does not live up to the UN Paris Principles.

The SCA reminded that the Paris Principles require a clear, transparent and participatory selection and appointment process, including through the publication of vacancies broadly; efforts to maximise the number of potential candidates from a wide range of societal groups; broad consultation and/or participation in the process; and pre-determined, objective and publicly available criteria for selection and appointment. The process should also include requirements to select decision-making body members serving in their own individual capacity, rather than on behalf of the organisation they represent.

Taking into account the above, ENNHRI urges you to ensure broad consultation and participation of civil society representatives throughout the selection and appointment process of the Commissioner for Human Rights.

Otherwise, a decision taken solely on the basis of political agreements would risk the independence of, and public confidence in the Commissioner for Human Rights. The SCA may decide, in addition, to downgrade the accreditation status of the UPCHR, which would impact negatively on the effective promotion and protection of human rights in Ukraine and Europe.

ENNHRI remains available for any type of support and cooperation on this matter,

Yours faithfully



Lora Vidović
ENNHRI Chair
Ombudswoman of Croatia